

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

DEMETRIUS A. HUFF,

Petitioner,

v.

CHRISTOPHER MILLER,

Respondent.

---

17-CV-364  
DECISION AND ORDER

On May 1, 2017, the *pro se* petitioner, Demetrius A. Huff, petitioned this Court for habeas corpus relief under 28 U.S.C. § 2254. Docket Item 1. On July 18, 2017, the respondent opposed the petition, Docket Item 3, and on August 11, 2017, Huff replied, Docket Item 4. On February 26, 2020, the case was referred to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. §§ 636(b)(1)(A) and (B). Docket Item 8. On March 20, 2020, Judge Scott issued a Report and Recommendation (“R&R”) finding that Huff’s request for habeas corpus relief should be denied and the petition dismissed. Docket Item 10.

On March 30, 2020, Huff objected to the R&R, Docket Item 11, and on April 13, 2020, Miller responded to the objections. Docket Item 13. The April 22, 2020 deadline to file a reply has since passed, and Huff has neither replied nor requested an extension of time to do so.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s

recommendation to which objection is made. 28 U.S.C. § 636(b)(1);  
Fed. R. Civ. P. 72(b)(3).

This Court has carefully and thoroughly reviewed the petition, the R&R, the objections, and the response. Based on that *de novo* review, the Court accepts and adopts Judge Scott's recommendation to deny Huff's request for habeas corpus relief and dismiss the petition in its entirety. The issues raised in the petition all turn on credibility determinations that were made in the state court and that there is no reason to revisit. Moreover, Huff's objections do nothing more than repeat the arguments he made in the petition and to Judge Scott. Accordingly, and for the reasons stated in the R&R, Huff's request for relief is denied and the petition dismissed.

SO ORDERED.

Dated: May 9, 2020  
Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE